



PUBLIC NOTICE

Federal Communications Commission
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**COMMENT SOUGHT ON VIRGIN MOBILE USA, L.P.'S PETITIONS FOR FORBEARANCE
AND DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE
STATE OF NEW YORK AND THE COMMONWEALTHS OF PENNSYLVANIA AND
VIRGINIA**

CC Docket No. 96-45

Comment Date: January 14, 2008

Reply Comment: January 29, 2008

The Wireline Competition Bureau seeks comment on a four petitions filed on December 5, 2007, by Virgin Mobile USA, L.P. (Virgin Mobile), a reseller of commercial mobile radio services.¹ Pursuant to section 10 of the Communications Act of 1934, as amended (the Act), Virgin Mobile filed a petition requesting that the Commission forbear from applying the requirement in section 214(e)(1)(A) of the Act that an eligible telecommunications carrier (ETC) offer services supported by the universal service fund using either its own facilities or a combination of its own facilities and resale of another carrier's services.² In addition, Virgin Mobile filed three petitions seeking designation as an ETC in the state of New York and the commonwealths of Pennsylvania and Virginia.³ Virgin Mobile seeks ETC designation

¹ Petition for Forbearance of Virgin Mobile USA, L.P., CC Docket No. 96-45 (filed Dec. 5, 2007) (Virgin Mobile Forbearance Petition); Petition for Designation as an Eligible Telecommunications Carrier in the State of New York, CC Docket No. 96-45 (filed Dec. 5, 2007) (Virgin Mobile New York ETC Petition); Petition for Designation as an Eligible Telecommunications Carrier in the State of Pennsylvania, CC Docket No. 96-45 (filed Dec. 5, 2007) (Virgin Mobile Pennsylvania ETC Petition); Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia, CC Docket No. 96-45 (filed Dec. 5, 2007) (Virgin Mobile Virginia ETC Petition). We note that Virgin Mobile should provide copies of its ETC petitions to the New York Public Service Commission, the Pennsylvania Public Utilities Commission, and the Virginia State Corporation Commission if it has not already done so.

² Virgin Mobile Forbearance Petition at 1; 47 U.S.C. § 160; 47 U.S.C. § 214(e)(1)(A).

³ Virgin Mobile New York ETC Petition at 1; Virgin Mobile Pennsylvania ETC Petition at 1; Virgin Mobile Virginia ETC Petition at 1.

only for purposes of participation in the Lifeline/Link Up program, and does not request ETC designation to offer services supported by the high-cost universal service program.⁴

Interested parties may file **comments on or before January 14, 2008** and **reply comments on or before January 29, 2008**. All pleadings are to reference **CC Docket No. 96-45**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

⁴ Virgin Mobile New York ETC Petition at 1; Virgin Mobile Pennsylvania ETC Petition at 1; Virgin Mobile Virginia ETC Petition at 1.

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpiweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Jennifer McKee, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B550, Washington, D.C. 20554; e-mail: Jennifer.McKee@fcc.gov; and
- (3) David Duarte, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-441, Washington, D.C. 20554; e-mail: David.Duarte@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: 202 488-5300, fax: 202 488-5563, or via e-mail www.bcpiweb.com.

These matters shall be treated as "permit-but-disclose" proceedings in accordance with the Commission's *ex parte* rules.⁶ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.⁷ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.⁸

For further information, please contact Jennifer McKee, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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⁶47 C.F.R. §§ 1.1200 *et seq.*

⁷See 47 C.F.R. § 1.1206(b)(2).

⁸47 C.F.R. § 1.1206(b).